



# Montana Department of Highways Civil Rights Newsletter

APRIL 1989

## *State Architects Elect Bjerke*

Susan Dunbar Bjerke has been elected to the seven member executive committee of the Montana Chapter of the American Institute of Architects.

She has served as president and vice president of the Architectural Society of Helena.

Bjerke Graduated from Helena High School and earned a bachelor's degree in architecture from MSU in 1980. She was employed by the State General Services Division prior to starting a private architectural practice in 1986.

Bjerke's architectural firm is currently certified as a woman-owned DBE.

Excerpted from Independent Record, Helena, MT

## *DBE Meeting Room*

MDOH continues to sponsor a meeting room at the Colonial Inn, the evening prior to bid letting, during the hours of 4-6 P.M. and 8-10 P.M.

This room provides a central location for DBE's and Prime Contractors to meet and exchange information.

DBE's are encouraged to stop by and list the projects they are bidding and where they may be reached.

## *Rate Book Available*

The Worker's Compensation Rate Book is now available by sending \$10 to:

Rate Book  
Workers Compensation Division  
P.O. Box 4759  
Helena, MT 59604-4759

## *1989 Montana Bid Letting Dates*

The Montana Highway Commission has approved the following bid letting dates for 1989.

April 20	May 25
June 29	July 27
August 24	September 28
October 26	December 7

## *1989 Bid Letting Dates*

Following is the 1989 schedule of bid lettings for North Dakota and South Dakota.

### *North Dakota*

April 21	May 19
June 16	July 21
September 22	November 17

### *South Dakota*

April 25	May 19
June 7	June 27
July 19	August 15
September 19	October 17
November 14	

## *New Newsletter Format*

This newsletter is being redesigned to provide information in a simpler, easier to read format.  
What do you think? Comments?

## ***Recertified DBE Firms***

The following firms were recertified as of March, 1989:

Abcon, Inc., Great Falls, MT  
Big O Constriction & Supply, Billings, MT  
Colville Tribal Enterprises, Inchelium, WA  
Economy Excavating & Landscaping, Florence, MT  
Flathead Post & Pole Yard, Dixon, MT  
Frontier Transportation, Inc., Kalispell, MT  
Jose Barrera, Billings, MT  
L.A. Construction, Helena, MT  
Northwest Testing Laboratories, Portland, OR  
Omo Construction, Inc., Billings, MT  
One Way Sign & Construction, Inc., Billings, MT  
Palm Tree Construction, Billings, MT  
Pankowski Excavating, Great Falls, MT  
Petticoat Trucking & Excavating, Belgrade, MT  
Rainbow Construction, Moise, MT  
Terrex Industries, Inc., Great Falls, MT  
T.P. Partners, Inc., Lewistown, MT  
Tri Z Construction, East Helena, MT  
Wilderness Excavating, Inc., Seeley Lake, MT

## ***Certification Extensions***

The following firm has been granted an extension until April 14, 1989:

LaSalle Construction, Inc., Havre, MT

## ***New Certifications***

The following new firms were certified as of March 1989.

D. M. Gray Company, Inc., North Park 4106 North Star Blvd., Great Falls, MT 59405. Phone: (406)761-8506. Owner Darryl M. Gray, President. The firm is a minority owned non-highway related DBE, and is a building contractor.

Firebird Enterprises, Rte 1, Box 71B, Eureka, MT 59917. Phone: (406)889-3504. Owners: Sil.Kit.Wa Rivera and Teksu Rivera. The firm is a woman and minority owned highway related D/WBE, and provides services in grading, excavation, roadside mowing and brushing and truck hauling (water). The firm is an authorized SBA 8 (a) contractor.

KM Construction, P.O. Box 114, Cascade, MT 59421. Phone: (406)468-2633. Owner: Karen Moore. The firm is a woman-owned Highway related DBE, and provides services in grading, fencing, permanent signing and traffic control.

Marengo Surveying, P.O. Box 1639, Polson, MT 59860. Phone: (406)883-4456 or (406)883-3209. Owner: Gregory B. Marengo. The firm is a minority owned highway related DBE, and is a licensed land surveyor.

Wiota, Inc., 4647 South 282 Street, Auburn, WA 98001. Phone: (202)927-2224 or (206)852-2168. President: William A. Sansaver. The firm is a minority owned highway related DBE, and provides services in culverts, excavation and pylon boring.

## ***Certification Denials***

The following firm was denied certification on February 10, 1989:

Concrete, Inc., Mills, WY

The Civil Rights Newsletter is published on a monthly basis by the Montana Department of Highways' Civil Rights Bureau.

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## Comments

TAK Petroleum, Inc., Spokane, WA, was certified in January as a broker of asphalt materials only. TAK has until April 15, 1989, to submit additional information, if not in agreement with the determination.

## Greenway Enterprises Owner Honored

By Andy Bird

It's not hard to imagine the obstacles a Native American woman must face in Montana's white male-dominated business society, but YuVonne Hoovestall did not let that stop her from building a Helena landscaping business into a successful construction company.

Hoovestall, president of Greenway Enterprises Inc. of Helena, won some recognition for her achievements when it was announced she is a Woman of Enterprise Award winner - one of five in the nation.

The annual bestowal is cosponsored by Avon Products Inc. and the Small Business Administration, who announced Hoovestall's award during a brief ceremony at the Federal Building in Helena.

Hoovestall, Montana's first Woman of Enterprise winner will travel to New York where she will pick up a \$1,000 check and a commemorative piece of crystal.

Hoovestall wanted a summer job, so in 1978 she began a residential landscaping business. But, as she became successful, she began taking construction courses and eventually earned a contractor's license.

Today Greenway is a family-owned business doing \$2 million a year in commercial construction. Its office is at 608 W. Lincoln Road, in Helena.

Hoovestall's husband, Gary, a former Carroll College instructor, is vice president of the company, which employs their three sons.

Greenway recently completed two projects in Yellowstone National Park - the Mammoth garage just inside the North Entrance and the 54-unit Lake Dorm and other bridge and road projects throughout the state.

Greenway described some of the roadblocks she encountered this way:

"As an Indian female in Montana, I had difficulty convincing people (bankers, accountants, bondsmen, workers, etc.) that I was competent to be in charge."

"I have also had to overcome the ingrained prejudice that exists in a society that has kept my race separated (on reservations) from the American socioeconomic mainstream."

Greenway Enterprises, Inc., is a currently certified DBE in Montana.

Excerpted from Independent Record, Helena, MT

## Change In EEO Contract Compliance For 1989 Construction Season

The contractor EEO-5 Monthly Employment Report will no longer be required from May through October. The contractor will be required to submit an EEO-5 only for the month of July.

The July report will still be required for all contractors, both prime and subs for the last week in July. This a federal requirement.

The change in the Special Provisions Specific Equal Employment Opportunity Responsibilities (Pink Sheet) can be found on page 3, paragraph 10C.

The revised EEO-5 form and revisions to the Civil Rights Bureau Manual will be distributed this Spring.

Questions or comments concerning this change may be directed to Sam Prestipino at (406)444-6334.

## Labors A.G.C. Training Program for Montana

The Laborers A.G.C. Training Program for Montana has been awarded the supportive Services on-the-job training contract for 1989. The funds will be used to train individuals in entry-level laborers' skills, including safety, pipelaying, compaction, concrete work, sandblasting and flagging.

Emphasis will be placed on the recruitment of at least twenty-one women and/or minorities to train in these areas. In addition to training these individuals, the Program will provide monitoring to determine placement success.

New entry classes are scheduled to begin on April 17, 1989 and will run through May 26, 1989. Each class will consist of two weeks of classroom and hands-on training.

The Laborers' A.G.C. Training Program for Montana was established in 1972. The Program owns a twenty-acre facility in Helena which includes classroom area, dormitories and a dining facility. Daniel F. Holland has held the position of Training Director since 1982.



DISCRIMINATION



## ***National Association of Women in Construction***

The National Association of Women in Construction is an organization of women employed in any aspect of the construction industry. Nationwide and in Canada NAWIC has members who are suppliers, business owners, office personnel and women who work in the field.

One of the most important functions of NAWIC is to provide educational opportunities for its members. The NAWIC Education Foundation (NEF) has written an Introduction to Construction course, and Intermediate Construction course and a Certified Construction Associate course.

Introduction to Construction and Intermediate Construction are usually offered through a college or trade school.

The Certified Construction Associate program (CCA) is an advanced, six-part, home-study course in construction terminology, procedures and processes. In 1982, the CCA program was made available to the public, so that any person interested in moving into positions of management and administration in the construction industry may enroll in the program. The Certified Construction Associate will have learned to exercise judgement and expertise in administrative affairs when dealing with employees, governmental units, professional associations, contractors, the public and customers.

As a home-study program, CCA requires from 3 to 5 years to complete. Enrollees study at their own pace, but there is a five year limit for completing the program.

Certification examinations are administered under the auspices of local NAWIC chapters. The American College Testing Program prepares examination booklets, handles security and scoring exams. After successfully passing certification exams in all six parts, enrollees receive Certified Construction Associate certificates and may use the CCA after their names. Participants may now apply for full college credits through Cogswell College.

Apprenticeship Training provides financial reimbursement to qualifying NAWIC members attending a construction-related apprenticeship program. Whether the program is union, open shop or sponsored by a company, the applicant must show evidence that the program is registered with the appropriate state agency. Apprenticeship Training reimburses the apprentice for her tuition, textbooks and hand tools, up to \$600 each fiscal year.

Degree and Special Courses provide tuition reimbursement to qualifying NAWIC members. NEF reimburses members who pursue higher education by enrolling in degree programs, taking individual courses, or by taking construction-related off-campus courses.

Applicants enrolled in a construction-oriented degree program, such as architecture, construction, or engineering, may receive reimbursement for all required courses.

An enrollee in a degree program other than the construction fields may receive reimbursement, with a limit of three classes each fiscal year.

Degree and Special Courses also reimburses members who take individual courses to enhance their job performance. These courses must have a demonstrable relationship to the applicant's work, whether or not the courses are related directly to construction.

NEF reimburses the applicant for tuition, registration fees, textbooks according to class grades.

NAWIC contracts in Montana are:

Billings Chapter

Mary Ann Seilstad

Phone: (406)248-8383

Great Falls Chapter

Cleo Hahn

Phone: (406)761-4220

*Prepared by Brooke Flynn of Metro Business Associates, Inc., under contract to the Montana Department of Highways.*

## ***Releasing Payroll Information***

The authority to release certified payrolls has been transferred from the Federal Highway Administration (FHWA) to the Montana Dept. of Highways (MDOH) Civil Rights Bureau. Because of the intertwined federal and state law on right to information, a determination was obtained from the Montana Attorney General's office. Issues to be resolved were The Freedom of Information Act (FOIA), The Privacy Act (PA) and in addition, Montana's Constitutional right of privacy.

The Attorney General's opinion stated payrolls could be released, however, Social Security numbers must be removed from them. Social security numbers of those employees on the payrolls are not subject to public disclosure.

**Under no circumstances will a Field Project Manager release certified payroll data to anyone.**

Requests for release must be made in writing to the MDOH Civil Rights Bureau stating the duration of time, contractor, project number, designation and justification for the request. Reproduction costs to include removal of social security numbers of the workers will be the responsibility of the person making the request.



Yes, we want to see all qualified applicants we're an equal employment opportunity employer.

## ***Restrictive Endorsements - They Have Teeth***

by Robert F. Babcock

Two cases decided last summer by the Utah Court of Appeals reaffirm the legal doctrine that restrictive endorsement can and do have binding legal effects on the resolution of disputes between parties.

The first case is **Masonry Equipment & Supply vs. Willco Associates**. In this case, Willco rented from Masonry Equipment & Supply a piece of equipment. Willco was responsible for its maintenance and repair. A dispute arose over charges for repairs. Willco tendered a check in the amount of \$2,390 as payment in full and stated on the back "endorsement of this check constitutes payment in full of your account number 2224, Willco Associates." MESCO accepted and cashed the check.

About three weeks after the check was cashed, MESCO disassembled the machine and found additional repairs were necessary, which MESCO then charged to Willco. Willco refused to pay and claimed that MESCO had cashed its check, thereby accepting full payment on the account.

To decide the case, the Court of Appeals relied on the 1985 Utah Supreme Court decision of **Martin Remodeling vs. Jensen**. In this case, the Supreme Court stated that there is not an automatic accord and satisfaction every time a creditor cashes a check bearing a "paid in full" notion. An accord and satisfaction requires that there be an unliquidated claim or a bonafide dispute over the amount due.

Payment must be tendered in full settlement of the entire dispute, not in satisfaction of a separate undisputed obligation. Payment cannot be given merely as a progress payment. However, when a bonafide dispute arises, and a check is tendered in full payment of an unliquidated claim, the creditor may not disregard the condition attached.

Therefore, the court held that since Willco sent MESCO a check with restrictive language stating that Willco's check was tendered as payment in full for its entire account and MESCO cashed the check, MESCO, by law, was deemed to have accepted the condition and was not entitled to any additional payment.

In the second case, **Cove View Excavating & Construction vs. Flynn**, Flynn rented equipment from Cove View Excavating at an agreed rental rate per hour, but no specific number of hours was designated. A dispute arose between the parties over the number of hours that the equipment was used.

Flynn sent to Cove View a check for \$5,000 with the following hand-written note on the check's front: "Pmt. in full to date labor and materials." Additionally, on the check's back was written: Payment in full for all labor and material.

On advise of counsel, Cove View crossed out the restrictive language on the check's back and negotiated it. Cove View then billed Flynn for an additional \$1,700.

Again, the court relied on **Martin Remodeling vs. Jensen**. The court held that the language on both sides of the check clearly offered to settle the entire account for less than Cove View was claiming as due through that date. The court indicated that the openended, oral equipment rental agreement for unspecified total time periods was, by its very nature, likely to lead to differing tallies of the hours and days to be billed.

The court determined that Cove View either knew or reasonably should have known from the nature of the agreement and the language on the check that Flynn disputed the bill and therefore was offering accord and satisfaction.

It further held that a creditor may not disregard the condition attached to a check paid in full on an unliquidated or a disputed claim. Since Cove View accepted the check with the expressed condition that it was offered as payment in full for all labor and materials through that date, the bill was "in accord and satisfaction." Cove View's further claims were therefore barred.

All players in the construction industry ought to be reminded of the effect of restrictive endorsements may be used to resolve disputes between parties.

Obviously, if a check is received containing a restrictive endorsement, careful consideration must be given as to whether or not it should be accepted because of the significant likelihood that any further claims that the party accepting the check may have would be settled based on the legal doctrine of accord and satisfaction.

Robert F. Babcock is an attorney with the Salt Lake firm Walstad & Babcock.

*Excerpt from February 20, 1989 Intermountain Contractor.*

## ***1989 Personal Inquiries Statistics Regarding Parts Of The Body Most Often Injured Are:***

**Backs.** The majority of these injuries are caused by slipping, tripping, and falling while on uneven ground.

**Ankles-Knees.** The majority of these are caused by slipping and tripping when working on uneven ground.

**Foot injuries.** Caused by dropping heavy objects on the toes.

**Eye injuries.** The majority of these injuries are caused by foreign objects being blown into the eyes.

## ***Recommendations For Preventing The Above Types Of Injuries***

High top shoes or boots with steel caps and non-slip soles would help in preventing the back, ankle-knee and foot injuries.

Wearing safety goggles on projects when hammering metal against metal when windy, etc., would help prevent the eye injuries.

Employees should be extra cautious when working on or near a highway open to traffic as it is possible to become so accustomed to the movement and noise you forget it is there.



## ***Fringe Benefits - Things You Should Know***

The contractor, not the employee, has three options to pay contract required fringe benefits. Those options are: 1) pay them directly to the employee in cash; 2) pay them to a bonafide trust fund; 3) partial payment to the employee and partial payment to a bonafide plan.

### ***Fringes Paid Directly to Employees***

Fringe benefits paid directly to employees are considered part of the wage and are taxable. They must be included with each weekly paycheck and must include all hours worked on the project site. Fringe benefits for overtime worked can be paid at the straight rate rather than time and a half.

### ***Fringes Paid to a bonafide plan***

When fringe benefits are paid into a third party trust fund or other type of third party plan, that fund or plan must have been approved or designated "bonafide" by U.S. Department of Labor(USDOL). Examples of bonafide plans are the various union trust funds, the Montana Contractors (MCA) Pension Plan, or the MCA Health and Welfare Plan.

If you are paying fringe benefits into private insurance or pension plans which have not been approved by USDOL you may be in violation of the Davis-Bacon Wage and Hour Act.

Remember under the fringe benefit provisions of the Davis-Bacon Act the amount of contributions for fringe benefits must be made to a trustee or to a third person and irrevocable. The third person must be one who is not affiliated with the contractor or subcontractor. (CFR 29 Part 5.26). Fringe benefits can not be paid into a construction company's private escrow account then paid out to the employees at some later date.

### ***Partial Payment of Fringe Benefits***

It is acceptable to pay to portion of the required fringe benefits directly to the employee on a weekly basis and the remainder to a third party bonafide plan. If this method is chosen it is important that you provide an explanation on the statement of compliance (WH form 348) and that you keep appropriate documentation supporting how the fringe benefit money was separated. The total fringe benefit payment, regardless of the method of payment chosen, must equal the total fringe benefit amount listed in the contract for the craft.

As an example, when a laborer receives \$3.20 in fringe benefits.

- a. Either the entire \$3.20 must be deposited in the trust, or

- b. The entire \$3.20 must be paid weekly in cash, or
- c. The total of the trust deposit and the amount paid in cash must together equal \$3.20.

If you have any questions concerning the payment of fringe benefits required by your Federal-aid highway contract, contact Sam Prestipino at (406)444-6331.

## ***Beware of Hardware Failures***

*By Doug Munn*

I would like to propose another law from Murphy: THE MORE IMPORTANT THE DATA, THE MORE LIKELY IT IS TO BE DESTROYED BY A HARDWARE OR SOFTWARE FAILURE.

Here's an example. Just a few weeks ago, I was installing some new software on a client's machine. The software was a reputable line. But, because of his particular equipment setup and the other software he was using, there was a disastrous conflict.

There was no clue to what would happen, nothing we could have foreseen.

But it wiped out an entire directory of files on the client's hard disk. On that particular hard disk over 400 files were lost. Fortunately there was back-up files for almost everything. But he hadn't backed up the last week's work - about 20 drawings.

The client was fortunate. He had older back-ups of his drawing and was able to be on track in only a week.

However, that week of lost time delayed drawings and cost the company some big money. Do you have copies of all of your important data stored away someplace?

If your books are on computer, do you have recent copies of the data files on diskette? (recent" means within the past week.) Do you have a regular system for backing up data (copies of floppy disks and floppy or tape back-ups of hard disk data) that everyone uses?

If you have floppy disk drives, make sure that you make an extra copy of your data diskettes - floppies can go bad too. Another thought. Regularly store a copy of your important data files off premises, maybe in a safe deposit box, or in another building.

Most important, make back-up copies of your important data. If you ever have an equipment failure, theft, fire, or just a damaged computer from a water leak, you will be back in business much faster if you have back-ups of your data.

I've been a firm believer in regular data back-ups since we lost about four months of business data a couple years ago. One thing I have found is that all the time spent in backing up my data has been paid for each time I have had to restore a damaged file.

*Excerpt from March 13, 1989 Intermountain Contractor.*

## THINKING ABOUT BUYING A COMPUTER?

You have heard all the stories, pro and con, about computers. Your company is growing and the paperwork is starting to swamp your office staff. The financial information for you, the bank or the bonding company is just not ready when you need it. The routine seems to take longer and longer. Maybe you should look into computers.

START BY DECIDING WHAT YOU NEED. Your list should look something like this:

GENERAL LEDGER (General Accounting - produces Balance Sheets & P&L's)

PAYROLL - capable of preparing certified payroll and able to use multiple pay rates and track multiple state

JOB COST ACCOUNTING which must integrate with accounts payable, payroll and general ledger

ACCOUNTS RECEIVABLE

SOME ITEMS ARE USEFUL BUT AREN'T ABSOLUTELY NECESSARY:

CASH FLOW PROJECTION

SCHEDULING

ESTIMATING

REPORT WRITER

PROJECT MANAGEMENT

Now that you have your "wish list", find software that will deliver what you want. Your best choice would be a local vendor who really knows and supports the program you decide to buy. When you talk to software vendors, be wary when they tell you "This isn't really written for a construction company but I know it will do the job." THERE IS A WIDE VARIETY OF SOFTWARE WRITTEN SPECIFICALLY FOR CONSTRUCTION CONTRACTORS IN ALL PRICE RANGES.

DON'T MESS WITH COPIED OR "BORROWED" SOFTWARE. If you do, you will have no manuals (no directions!), no support from a knowledgeable vendor, and no access to updates or revisions.

One final item to keep firmly in mind is that for computerized construction job cost accounting, it is necessary that the job cost application integrate with accounts payable, payroll and the general ledger. (Integration is how you check to make sure you have the same information in job cost as in your other applications.) DON'T LET SOMEONE CONVINCE YOU THAT JOB COST CAN BE HANDLED ADEQUATELY WITH A SPREADSHEET. This will only cost you time and money; get set up with a fully integrated system right from the start. The search for your best software choice will be time consuming but worth the effort in the long run.

AFTER YOU HAVE CHOSEN YOUR SOFT-

WARE, BUYING THE HARDWARE IS RELATIVELY SIMPLE. You just buy the machine that will run your software, limited by your budget, of course. It doesn't have to be super fast, but it should have at least a "20 meg" hard disk. again, having a knowledgeable dealer is invaluable. (If you don't, the little things will drive you nuts.)

Once your system is "installed" and the vendor has gone, IMPLEMENT A CAREFULLY DESIGNED PLAN DETAILING HOW YOU ARE GOING TO GET THE SYSTEM GOING, KEEP IT GOING AND WHAT YOU ARE GOING TO DO WITH THE OUTPUT.

1. PLAN SPACE FOR YOUR SYSTEM. (Computers are small, but the printer and your working papers for input take a lot of room.)
2. KEEP YOUR EMPLOYEES INFORMED.
3. GET ORGANIZED BEFORE YOU START. For instance, think of all the detail that needs to be set up to successfully run payroll. If you and your staff have all the employee and withholding information organized, entering the data to get the payroll application going will be easier. You may want to redesign your timesheets or other forms.
4. ANALYZE YOUR CHART OF ACCOUNTS. You and your office bookkeeper (or your outside accountant) may want to reorganize and renumber your chart of accounts to improve on your system of gathering and reporting information.
5. SCHEDULE TIME FOR ALL THE TRAINING AND INITIAL DATA ENTRY.
6. YOU will want to RUN YOUR MANUAL AND COMPUTERIZED SYSTEMS "PARALLEL" FOR 2 MONTHS or so to make sure you are getting valid output.
7. DON'T GET DISCOURAGED!

Computerization, done thoughtfully, can work like a dream. It takes time, analysis, planning and patience to successfully computerize. THE SPEED WITH WHICH YOU CAN GET INFORMATION WILL ALLOW TOP EFFICIENCY AND HELP YOU KEEP PACE WITH COMPETITION.

*Prepared by Brooke Flynn of Metro Business Associates, Inc. under contract to the Montana Department of Highways.*

## NAMC'S 20th Annual Convention

The National Association of Minority Contractors (NAMC) announces that its 20th Annual Convention will be held in Philadelphia, Pennsylvania at the Four Seasons Hotel, from June 28 Thru July 2, 1989.

For more information contact NAMC's National Headquarters at (202)347-8259.

## FIELD INSPECTION PROGRAM

Field Inspections are informal project site inspections. The purpose of the inspection is to assure that the prime contractor and each subcontractor are fulfilling contract required EEO and DBE obligations. The Field Inspections may be conducted by the Civil Rights Bureau (CRB) staff or the Montana Department of Highways Field Project Manager's staff.

When field inspections are conducted by the CRB staff, no prior notification is sent to the contractor. Projects are selected on a random basis. Field inspections conducted by the Field Project Manager are conducted during the second and fourth week the prime or subcontractor is on the project site and once a month thereafter.

The field inspection will include, but not be limited to, the following:

- a. Interview the contractor's project site supervisory staff to determine:
  - (1) the number of minority and females in each craft;
  - (2) what instructions they have received regarding recruitment of minorities and females;
  - (3) their overall knowledge of company EEO procedures including racial and sexual harassment.
- b. Interview members of the contractor's staff on the project site where they are performing their work assignments. Questions will include:
  - (1) What is your name?
  - (2) Who do you work for?
  - (3) What is your rate of pay?
  - (4) Have you attended an EEO meeting on this project site?
  - (5) Do you know how to file a discrimination complaint?
  - (6) Do you know where the bulletin board is located?
- c. Interview members of the Montana Department of Highways staff who are assigned to the project. Questions will include:
  - (1) Who is your District EEO Counselor?
  - (2) Has anyone ever explained the MDOH complaint procedure to you?
  - (3) Has the MDOH Sexual Harassment Policy been explained to you?
  - (4) Do you see the posting notices announcing vacant positions in a timely manner.
- d. Inspect the Project Manager's project site records to be sure they include the following documents:

- (1) Copies of prime and each subcontractor's discrimination complaint procedures along with claim form.
  - (2) Minutes of prime and subcontractor's on-site EEO meetings.
  - (3) If applicable, copy of approved training programs and copies of monthly training reports, along with supporting time cards and diary notes.
  - (4) Copies of spot check interviews.
  - (5) Notes and dates each bulletin board was checked.
  - (6) Copies of prime and subcontractor payrolls.
- e. Inspect bulletin board for required currently dated postings for prime and each subcontractor. Postings must include:
- (1) EEO is the Law Poster.
  - (2) Company Discrimination Complaint Procedure (must be on company letterhead, signed by management level, currently dated) and claim form.
  - (3) Company Policy Statement.
  - (4) Dual Employment Poster.\*
  - (5) FHWA 1273 (pink sheets).
  - (6) Current Wage Rates.
  - (7) Wage Rate Information Poster.
  - (8) Notice Poster.\*

\*The new posters have these two combined on one 8 1/2 X 11 poster.

### Invitation for Bids

*Excerpt from the March 1989 Intermountain Contractor.*

Apr 17, 2:00 pm  
BILLINGS, RPR LATRINES  
Bid opg offc of ownr. Ownr: Contracting Div, Bldg 6222, Ft Carson, CO 80913-5022, (719)579-2771, attn: Elyse Lewis.

Apr 18  
FORT PECK, PARKING/RD IMPVTS  
Bid opg offc of ownr. Ownr: Dept of the Army, Omaha Dist-Corps of Engrs, 1612 U S Post Offc & Courthse, Omaha, NE 68102-4978, (402)221-4266.

Apr 18, 1:30 pm, Est: \$450,000  
ASHLAND, TRECO OFFC/WAREHSE  
Bid opg offc of ownr, conference room. Ownr: Tongue River Electric Cooperative Inc, Ashland, MT. Archt: Stevenson Design Assocs, Box 518, Birney, MT 59012, (406)984-6261.



Apr 19

**MALTA, STREAMBANK PROTECTION**

Bid opg offc of ownr. Ownr: Dept of the Army, Omaha  
Dist-Corps of Engrs, 1612 US Post Offc & Courthse,  
Omaha, NE 68102-4978, (402)221-4266.

Apr 20

**LINCOLN CNTY, COOLER & SHED**

Bid opg offc of ownr. Ownr: USFS, Kootenai Natl Forest,  
506 U S Highway 2 West, Libby, MT 59923, (406)293-  
6311, ext 220, att: Phyllis Gordon.

Apr 20, 2:00 pm

**MALMSTROM AFB, IRRIGATE BALL FIELDS**

Bid opg offc of ownr. Ownr: Contrg Div, Bldg 145, Rm  
107A, Malmstrom AFB, MT 59402, (406) 731-4007, attn:  
John Peters.

Apr 24, Est: \$5-\$10 mil

**VARIOUS CNTYS, MT/WY/OK, LORAN C STATIONS**

Bid opg offc of ownr. Ownr: Commanding Officer,  
USCG, FD&CC (PAC), 915 2nd Ave, Rm 2664, Seattle,  
WA 98174-1011, (206)442-1683, attn: Marcia Trudeau.

Apr 28, Est:\$100,-\$250,000

**MALTA EMERGENCY SPILLWAYS**

Bid opg offc of owner. Owner: U S Fish & Wildlife Svc,  
Box 25486, Denver Fed Center, Denver CO 80225,  
(303)236-5412.

Apr 28, 2:30 pm, Est: Under \$600,000

**STATEWIDE, INDEFINITE QUANTITY CONTRACT**

Bid opg offc of ownr. Ownr: GSA, 7PPC-C, D & C  
Contracts Branch, 819 Taylor St, Rm 11A01, Fort Worth,  
TX 76102-6105, (817)885-7085.

May 5

**HILL CNTY, EARTH DAM REHAB**

Bid opg offc of ownr; Ownr: U S Fish & Wildlife Svr, Box  
25486, Denver, Fed Center, Denver, CO 80225, (303)236-  
5412, aun: Pat Serra.

May 18

**KALISPELL, ROOF RESTORATION**

Bid opg offc of ownr: Ownr: Dept of Energy, Bonneville  
Power Admin, Box 491, Vancouver, WA 98666-0491,  
(206)690-2947, attn: Donna Beeks.

***Fifty Excuses For A Closed Mind***

1. I've tried that before
2. Our place is different
3. It costs too much
4. That's beyond our responsibility
5. We're all too busy to do that
6. That's not my job
7. It's too radical a change
8. We don't have the time
9. Not enough help
10. That will obsolete our equipment
11. Our organization is too small
12. Not practical for busy people
13. The students will never buy it
14. We've never done it before
15. It's against school policy
16. Runs up our overhead
17. We don't have the authority
18. That's the ivory tower
19. Let's get back to reality
20. That's not our problem
21. Why--it's still working okay
22. I don't like the idea
23. You're right--but
24. You're two years ahead of your time
25. We're not ready for that
26. We don't have the equipment or room
27. We don't have the personnel
28. It isn't in the budget
29. Can't teach an old dog new tricks
30. Good thought, but impractical
31. Let's hold it in abeyance
32. Let's give it more thought
33. Put it in writing
34. They'll laugh at us
35. Not that again
36. Where'd you dig that one up
37. We did all right without it
38. That's what to expect from staff
39. It'd never been tried before
40. Let's form a committee
41. Has anyone else tried it
42. I don't see the connection
43. It's won't work
44. What you're really saying is...
45. Maybe that will work in your department, but not mine.
46. Let's all sleep on it
47. I know a fellow who tried it
48. Too much trouble to change
49. We've always done it this way
50. It's impossible



## INVITATION FOR BIDS

LETTING OF APRIL 20, 1989

Sealed bids on the following projects will be received by the State of Montana, Department of Highways, Contract Plans Section, at the office of said Department in the City of Helena until 9:00 a.m. on April 20, 1989. The proposals will be publicly opened and read immediately thereafter in the Department's auditorium.

Bid proposals, plans, cross-sections or machine tabulations and full instructions to bidders are on file for examination and may be obtained from the Contract Plans Section. These documents may be requested by mail (see enclosed requisition form) or by calling 444-6215, Area Code 406. Proposals will not be furnished to contractors after 5:00 p.m. preceding the date of the letting.

Cost for these documents vary with each project and is quoted in the project information contained herein. There will be no refund allowances for documents ordered and returned as the price quoted is the actual cost of printing only. Please make all checks payable to the State of Montana, Department of Highways.

Persons or firms desiring to qualify or bid on highway construction on the basis of a joint venture shall declare their intention by executing a "Declaration of Joint Venture and Power of Attorney." Joint Venture affidavits must be filed with the Contract Plans Section no later than 3:00 p.m. preceding the date of the letting.

On projects designated as a STATE PROJECT in the project information contained herein, prospective bidders are advised that state law requires contractors have a valid Public Contractor's License issued by the State of Montana, Department of Commerce, in a classification commensurate to the money value of the "State Project" to which they bid. The law further provides that no license shall be issued to any applicant until the expiration of ten (10) days from and after date of filing application for same is received by the Department of Commerce. The following are the three classes of state license which are issued:

- Class A - for any single contract not to exceed (unlimited)
- Class B - for any single contract not to exceed \$100,000
- Class C - for any single contract not to exceed \$25,000

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Any contract entered into pursuant to this advertisement is subject to all appropriate Federal Laws, including Title VI of the Civil Rights Act of 1964.

The Department of Highways hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color or National origin in consideration of an award. In addition, the successful bidder shall pay the minimum wage rates set out in the bid proposal.

STATE OF MONTANA  
DEPARTMENT OF HIGHWAYS

1. RTF 2-1(11)6, RTF 27-2(7)22, RTF 54-1(2)0, RTF 57-5(11)212, and RTF 57-6(4)249  
(State Projects)

The improvement contemplated consists of the oil mixed overlay, and seal and cover totaling 44.7 miles of the following projects:

RTF 2-1(11)6, The Baker Interchange - East Road on U.S. 12 in Custer County, beginning approximately 2 miles west of Miles City at Milepost 6.2 and extends southeast 7.0 miles.

RTF 27-2(7)22, The Baker - South Road on Montana Route 7 in Fallon County, beginning approximately 12 miles southwest of Baker at Milepost 22.4 and extends northeast 12.8 miles.

RTF 54-1(2)0, The Wyoming Line - North Road on Montana Route 59 in Powder River County, beginning approximately 7 miles south of Biddle at Milepost 0.0 and extends north 9.1 miles.

RTF 57-5(11)212, The Jordan - East Road on Montana Route 200 in Garfield County, beginning at Jordan and extends east 5.8 miles.

RTF 57-6(4)249, The Flowing Wells - East Road on Montana Route 200 in McCone County, beginning approximately 19 miles west of Brockway at the intersection with Montana Route 24, Milepost 248.6 and extends east 10.0 miles.

Involving about: 7,783 Tons Crushed Aggregate, 62,439 Tons Oil Mixed Material, 3,123 Tons Liquid Asphalt (MC-800), 848 Tons Emulsified Asphalt (HF-100), 28,061 Gals. Emulsified Asphalt (SS-1) and other items. Contract to be completed by September 1, 1989. The estimated construction cost of this project is between \$1,250,000 and \$3,750,000.

This contract does not contain goals for Disadvantaged Business Enterprises.

Cost of proposal \$5.00 per set. This project is under the jurisdiction of the Glendive District Engineer.

2. IR 15-7(23)343

The plant mix bituminous overlay and seal and cover on 11.1 miles of the North of Conrad - North Road on Interstate 15 in Pondera County.

The project begins approximately 3.5 miles north of Conrad and extends north.

Involving about: 13,122 Cu. Yds. Excavation, 6,975 Tons Crushed Aggregate, 1,442 Tons Hydrated Lime, 96,145 Tons Plant Mix, 5,766 Tons Asphalt Cement (85-100), 855 Tons Emulsified Asphalt (HF-100), 60,953 Gals. Emulsified Asphalt (SS-1), 6,754 Sq. Yds. Cold Milling, 8 Raise Bridge Approach Slabs, 1 Inlet Cover, 774 Ln. Ft. Plastic Underdrain, 112 Ln. Ft. RCP Culvert, 1,025 Ln. Ft. Steel Guardrail, 17 Guardrail End Anchors, 8 Bridge Approach Sections, 1,288 Ln. Ft. Reset Guardrail, 2 Acre Seed & Fertilize, 137 Sq. Ft. Plastic Words & Symbols, 14,505 Sq. Yds. Construction Fabric (Underground Drainage), 43 Miles Rumble strips and other items. Contract to be completed in 100 Working Days. The estimated construction cost of this project is between \$1,250,000 and \$3,750,000.

The Disadvantaged Business Enterprises contract goals are 4% for this contract.

Cost of plans and proposal \$6.00 per set, including cross sections. This project is under the jurisdiction of the Great Falls District Engineer.

3. RTF 24-1(26)2 (State Project)

The grading, aggregate surfacing, plant mix bituminous surfacing and plant mix seal course on 4.0 miles of the Bonner-Northeast Road in Missoula County.

Project begins on Montana 200 on the east side of Bonner and extends northeasterly.

Involving about: 8.1 Cr. Mi. Bluetop Staking, 289,764 Cu. Yds. Excavation, 38,000 Ln. Ft. Presplitting, 7,068 Cu. Yds. Topsoil, 90,845 Tons Crushed Aggregate, 365 Tons Hydrated Lime, 27,753 Tons Plant Mix, 1,698 Tons Asphalt Cement (85-100), 139 Tons

Liquid Asphalt (MC-70), 15,093 Gals. Emulsified Asphalt (SS-1), 7 Cu. Yds. Concrete, Lump Sum Clearing and Grubbing, 2,316 Ln. Ft. Drainage Pipe, 962 Ln. Ft. PVC Pipe, 12,538 Ln. Ft. Steel Guardrail, 13 Guardrail End Anchors, 2 Bridge Approach Sections, 266 Rod Fence, 31 Fence Panels, 16 Ln. Ft. Gates, 23 Acres Seed & Fertilize, 9.7 Acres Mulch, 1,040 Cu. Yds. Riprap, 70 Sq. Ft. Aluminum Signs, 3 Informational Signs, 216 Ln. Ft. Treated Timber Poles, 80 Lbs. Steel Posts, 296 Delineators, 500 Sq. Yds. Construction Fabric (Underground Drainage), 9 Mailboxes, 12,017 Cu. Yds. Stone Fill - Gabion (Alternate Bid), 50,440 Sq. Ft. Criblock Retaining Wall (Alternate Bid) and other items. Contract to be completed in 150 Working Days. The estimated construction cost of this project is between \$1,800,000 and \$5,400,000.

Subsurface investigation data is available for inspection and review in the Geology Section of the Materials Bureau at the Highway Complex, Helena, Montana. (This contract does not contain goals for Disadvantaged Business Enterprises.

Cost of plans and proposal \$9.00 per set. Cross sections \$50.00 per set. This project is under the jurisdiction of the Missoula District Engineer.

4. F 39-1(17)44

The plant mix overlay and seal & cover of the Colstrip Interchange South Road of Montana 39 in Rosebud County.

The project begins at the intersection of Montana 39 and Interstate 94 and extends southerly 6.7 miles.

Involving about: 1,830 Tons Crushed Aggregate, 301 Tons Hydrated Lime, 20,036 Tons Plant Mix, 1,201 Tons Asphalt Cement (85-100), 4 Tons Liquid Asphalt (MC-70), 214 Tons Emulsified Asphalt (HF-100), 7,663 Gals. Emulsified Asphalt (SS-1), 49,904 Sq. Yds. Cold Milling, 80 Ln. Ft. CSP Culvert, 800 Ln. Ft. Steel Guardrail, 13 Guardrail End Anchors and other items. Contract to be completed in 60 Working Days. The estimated construction cost of this project is between \$300,000 and \$900,000.

The Disadvantaged Business Enterprises contract goals are 6% for this contract.

Cost of plans and proposal \$5.00 per set. This project is under the jurisdiction of the Glendive District Engineer.

5. F 60-2(23)90

The plant mix bituminous overlay of the 10th Avenue South - Great Falls Road in Cascade County, beginning at its intersection with 18th Street South and extends east to 57th Street South.

Involving about: 1,931 Cu. Yds. Excavation, 1,881 Tons Crushed Aggregate, 310 Tons Hydrated Lime, 9,300 Tons Plant Mix, 6,387 Tons Plant Mix Latex Modified, 4,990 Tons Plant Mix Novophalt, 383 Tons Asphalt Cement (20-R), 558 Tons Asphalt Cement (85-100), 300 Tons Asphalt Cement (120-150), 11,778 Gals. Emulsified Asphalt (SS-1), 82,018 Sq. Yds. Cold Milling, 33 Cu. Yds. Concrete, 830 Ln. Ft. Precast Curb, 2,653 Ln. Ft. Concrete Curb & Gutter, 44 Ln. Ft. CSP Culvert, 703 Sq. Ft. Aluminum Signs, 56,435 Ln. Ft. Plastic Striping, 5,261 Lbs. Steel Posts, 65 Delineators and other items. Contract to be completed in 60 Working Days. The estimated construction cost of this project is between \$600,000 and \$1,800,000.

The Disadvantaged Business Enterprises contract goals are 12% for this contract.

Cost of plans and proposal \$7.00 per set. This project is under the jurisdiction of the Great Falls District Engineer.

6. F 72-1(2)0

The minor widening and plant mix bituminous surfacing overlay on 10.5 miles of the Belfry - South Road on Primary Route 72 in Carbon County.

The project begins at the Montana, Wyoming border and extends northwest to Belfry.



Involving about: 21 Cr. Mi. Bluetop Staking, 72,637 Cu. Yds. Excavation, 15,961 Tons Crushed Aggregate, 613 Tons Hydrated Lime, 47,498 Tons Plant Mix, 2,851 Tons Asphalt Cement (85-100), 18 Tons Liquid Asphalt (MC-70), 295 Tons Emulsified Asphalt (CRS-2), 12,041 Gals. Emulsified Asphalt (SS-1), 1,528 Sq. Yds. Cold Milling, 17 Cu. Yds. Concrete, 103 Ln. Ft. Neoprene Seals, 1,446 Ln. Ft. Drainage Pipe, 74 Ln. Ft. CSP Culvert, 64 Ln. Ft. SSPP Culvert, 10,963 Ln. Ft. Steel Guardrail, 21 Guardrail End Anchors, 122 Rod Temporary Fence, 32 Acres Seed & Fertilize, 313 Cu. Yds. Riprap, 342 Sq. Ft. Aluminum Signs, 552 Ln. Ft. Treated Timber Poles, 446 Lbs. Steel Posts, 403 Delineators, 309 Sq. Yds. Construction Fabric (Embankment Erosion Control), Lump Sum Paint Rail and other items. Contract to be completed in 80 Working Days. The estimated construction cost of this project is between \$800,000 and \$2,900,000.

The Disadvantaged Business Enterprises contract goals are 8% for this contract.

Cost of plans and proposal \$7.00 per set. Cross sections \$17.00 per set. This project is under the jurisdiction of the Billings District Engineer.

7. RS 245-1(6)15 & RS 341-1(1)0

The minor grading and gravel surfacing 7.2 miles of the Brusett - East and West Road (RS 245-1(6)15) in Garfield County. The project begins approximately 20 miles northwest of Jordan on Secondary Route 245 and extends southeast. And the minor widening and gravel surfacing on 20.0 miles of the Haxby Road N.E. of Jordan (RS 341-1(1)0) in Garfield County. The project begins approximately 5 miles east of Jordan at the intersection of State Route 200 and Secondary Route 341 and extends northeast.

Involving about: 2.6 Cr. Mi. Bluetop Staking, 78,186 Cu. Yd. Excavation, 80,902 Cu. Yds Roadbed Compaction, 175,567 Tons Crushed Aggregate, 7 Cu. Yds. Concrete, 24 Miles Reshape Roadway, 1,300 Ln. Ft. Drainage Pipe, 574 Ln. Ft. CSP Culvert, 1,076 Rod Fence, 55 Fence Panels, 64 Ln. Ft. Gates, 23 Acres Seed & Fertilize, 43 Cu. Yd. Riprap, 124 Sq. Ft. Aluminum Signs, 130 Ln. Ft. Treated Timber Poles, 200 Lbs. Steel Posts, 77 Delineators, 68 Sq. Yds. Construction Fabric (Embankment Erosion Control) and other items. Contract to be completed in 60 Working Days. The estimated construction cost of this project is between \$1,000,000 and \$3,000,000.

The Disadvantaged Business Enterprises contract goals are 4.5% for this contract.

Cost of plans and proposal \$9.00 per set. Cross sections \$15.00 per set. This project is under the jurisdiction of the Glendive District Engineer.

8. BRS 438-1(5)36

The bridge replacement and aggregate surfacing on 0.5 mile of the south of Glentana Road in Valley County.

Project begins on Secondary Road 438 between Glentana and Nashua, approximately 17 miles south of Glentana and extends north.

Involving about: 0.5 Cr. Mi. Bluetop Staking, 32,116 Cu. Yds. Excavation, 600 Cu. Yds. Bedding Material, 3,133 Tons Crushed Aggregate, 25 Cu. Yds. Concrete, Lump Sum Remove Structure, 416 Ln. Ft. CSP Culvert, 253 Rod Fence, 20 Fence Panels, 16 Ln. Ft. Gates, 53 Cu. Yds. Riprap, 16 Sq. Ft. Aluminum Signs, 46 Ln. Ft. Treated Timber Poles, 523 Sq. Yds. Construction Fabric (stabilization) and other items. Contract to be completed in 45 Working Days. The estimated construction cost of this project is between \$150,000 and \$450,000.

The Disadvantaged Business Enterprises contract goals are 0% for this contract.

Cost of plans and proposal \$5.00 per set, including cross sections. This project is under the jurisdiction of the Glendive District Engineer.

9. HES 4141(61)

The installation of intersection lighting at five locations on U.S. 93 in Lake County. The project has one location approximately 4 miles south of Ronan at the intersection of U.S. 93 and Secondary 212. The other four locations are at various intersections at the town of Pablo.

Involving about: 5 Cu. Yds. Concrete, 2,000 Ln. Ft. Conduit, 4 Pull Boxes, 5,200 Ln. Ft. Copper Conductor, 10 Standards & Luminaires, 5 Service Assemblies, 30 Ln. Ft. Treated Timber Poles and other items. Contract to be completed in 45 Working Days. The estimated construction cost of this project is between \$20,000 and \$60,000.

The Disadvantaged Business Enterprises contract goals are 0% for this contract.

Cost of plans and proposal \$5.00 per set. This project is under the jurisdiction of the Missoula District Engineer.

10. BR 9039(8)

The construction of two 112.5' (Alternate Bid-Steel Beam or Prestressed Concrete Beam) bridges over Clark Fork 5 miles north of Deer Lodge and the grading and aggregate surfacing of the approaches thereto. The project is located on a Powell County Road approximately 5 miles north of Deer Lodge.

Involving about: 0.4 Cr. Mi. Bluetop Staking, Lump Sum Bridge Survey, 20,103 Cu. Yds. Excavation, 1,316 Cu. Yds. Topsoil, 70 Cu. Yds. Structure Excavation, 2,476 Tons Crushed Aggregate, 60 Cu. Yds. Bedding Material, 294 Cu. Yds. Concrete, Lump Sum Detour, Lump Sum Remove Structures, 860 Ln. Ft. Prestressed Beams, 51,305 Lbs. Reinforcing Steel, 42,824 Lbs. Structural Steel (Alternate Bid), 1,288 Ln. Ft. Steel Pipe Pile, 32 Elastomeric Bearing Dev. (Alternate Bid), 268 Ln. Ft. CSP Culvert, 325 Ln. Ft. Steel Guardrail, 8 Guardrail End Anchors, 276 Rod Fence, 48 Fence Panels, 2.4 Acres Seed & Fertilize, 468 Cu. Yds. Riprap, 49 Sq. Ft. Aluminum Signs, 52 Ln. Ft. Treated Timber Poles, 128 Lbs. Steel Posts, 665 Sq. Yd. Construction Fabric and other items. Contract to be completed in 120 Working Days. The estimated construction cost of this project is between \$300,000 and \$900,000.

The Disadvantaged Business Enterprises contract goals are 5.0% for this contract.

Cost of plans and proposal \$11.00 per set, including cross sections. This project is under the jurisdiction of the Butte District Engineer.

11. BR 9053(8)

The construction of a 260.0' steel beam bridge (Over Milk River) and the grading and aggregate surfacing of the approaches thereto on 0.4 mile of the Milk River Bridge northeast of Vandalia on a county road in Valley County.

Involving about: 0.4 Cr. Mi. Bluetop Staking, Lump Sum Bridge Survey, 15,577 Cu. Yds. Excavation, 780 Cu. Yds. Structure Excavation, 2,045 Tons Crushed Aggregate, 624 Cu. Yds. Concrete, Lump Sum Remove Structure, Lump Sum Shoring & Cribbs, 55,442 Lbs. Reinforcing Steel, 164,534 Lbs. Structural Steel, 550 Ln. Ft. Bridge Rail, 1,222 Ln. Ft. Treated Timber Pile, 2,496 Ln. Ft. Untreated Timber Pile, 16 Elastomeric Bearing Dev., Lump Sum Water Lines, 150 Ln. Ft. Steel Guardrail, 4 Guardrail End Anchor, 242 Rod Fence, 26 Fence Panels, 180 Ln. Ft. Gates, 330 Cu. Yds. Riprap, 489 Sq. Yds. Construction Fabric (Embankment Erosion Control) and other items. Contract to be completed in 120 Working Days. The estimated construction cost of this project is between \$300,000 and \$900,000.

The Disadvantaged Business Enterprises' contract goals are 4% for this contract.

Cost of plans and proposal \$5.00 per set, including cross sections. This project is under the jurisdiction of the Glendive District Engineer.





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Montana Department of Highways  
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Helena, MT 59620**

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